



04-20-05

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PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/729,450
Filing Date	December 5, 2003
First Named Inventor	Khoo, et al.
Art Unit	1651
Examiner Name	Allison M. Ford
Total Number of Pages in This Submission	Attorney Docket Number (7129) 2664H-126/US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449 13 References Return Postcard
Remarks The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.		

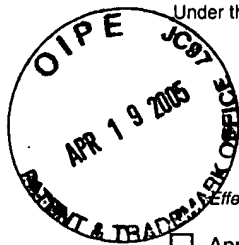
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name James E. Davis	Reg. No. 47,516
Signature			
Date	April 19, 2005		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	James E. Davis	Express Mail Label No.	EV 317349819 US
Signature		Date	April 19, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

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METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																																			
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SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	James E. Davis	Registration No. (Attorney/Agent)	47,516	Telephone	314-726-7500
Signature				Date	April 19, 2005



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/729,450
Filing Date: December 5, 2003
Applicant: Christina Khoo, et al
Group Art Unit: 1651
Examiner: Allison M. Ford
Title: COMPOSITION AND METHOD
Attorney Docket: (7129) 2664H-126/US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. ☒ Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) each unpublished U.S. application listed below in Section IV (i.e., including the specification, claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims directed to that portion), except for such applications filed on or after June 30, 2003, pursuant to the Waiver of the Copy Requirement in 37 C.F.R. 1.98 (OG Notice dated October 19, 2004); and (iv) all other information or that portion which caused it to be listed.

B. ☐ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. ☐ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ☒ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ☐ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ☐ See the attached foreign patent office communication from a counterpart foreign application:

2. ☐ English translations are provided:

3. ☐ Other:

C. ☐ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ☐ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. ☐ **37 C.F.R. § 1.97(b):** (check only one box)

1. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. ☐ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ☐ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ☒ **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ☒ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ☐ See the certification below. No fee is required.

C. ☐ 37 C.F.R. § 1.97(d):

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ☐ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. ☐ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B. ☐ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ☐ some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

☐ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ☒ A check in the amount of \$180.00 is enclosed for the above identified fee.

B. ☐ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

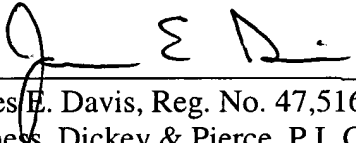
The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Date: 19 April 2005



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FORM HDP-1449 (Based on Form PTO-1449)

ATTORNEY DOCKET NO.

SERIAL NO.

(7129) 2664H-126/US

10/729,450

PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

APPLICANT

Christina Khoo, et al.

FILING DATE

GROUP

December 5, 2003

1648

Sheet 1 of 3

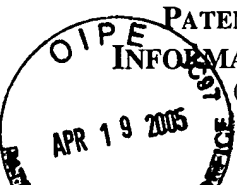
U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		5,294,458	03-15-1994	Fujimori		
2.		5,444,054	08-22-1995	Garleb, et al		
3.		5,744,134	04-28-1998	Paul		
4.		5,939,309	08-17-1999	Suwa, et al		
5.		5,952,033	09-14-1999	Anatharaman, et al		
6.		5,968,569	10-19-1999	Cavadini, et al		
7.		6,051,260	04-18-2000	Liska, et al		
8.		6,156,355	12-05-2000	Shields, Jr., et al		
9.		6,180,099	01-30-2001	Paul		
10.		6,197,361	03-06-2001	Anantharaman, et al		
11.		6,203,797	03-20-2001	Perry		
12.		6,241,983	06-05-2001	Paul, et al		
13.		6,270,811	08-07-2001	Fregonese		
14.		2002-044988	04-18-2002	Fuchs, et al		
15.		2002-0127211	09-12-2002	Brassart, et al		
16.		6,468,525	10-22-2002	Watson, et al		
17.		6,488,970	12-03-2002	Hora		
18.		2002-0183389	12-05-2002	Peet, et al		
19.		6,544,568	04-08-2003	De Simone		
20.		6,592,863	07-15-2003	Fuchs, et al		
21.		6,689,812	02-10-2004	Peet, et al		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449) <div style="display: flex; align-items: center; justify-content: center;">  <div> PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) </div> </div>		ATTORNEY DOCKET No. (7129) 2664H-126/US	SERIAL No. 10/729,450
Sheet 2 of 3		APPLICANT Christina Khoo, et al	
		FILING DATE December 5, 2003	GROUP 1646

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		6,706,287	03-16-2004	Ranganathan, et al		
23.		6,737,089	05-18-2004	Wadsworth, et al		

FOREIGN PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No
24.		0 674 842 A1	10-04-1995	Europe		X

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
25.		Hara, "Antibacterial Actions of Tea Polyphenols and Their Practical Applications in Humans", <i>Phytochemicals and Phytopharmaceuticals</i> (Shahidi and Ho, eds), Ch. 19, 214-21 (200)
26.		Loubinoux, et al, "Sulfate-reducing bacteria in human feces and their association with Inflammatory bowel diseases", <i>FEMS Microbiology Ecology</i> 40:197-112 (2002)
27.		Gibson, et al, "Growth and activities of sulphate-reducing bacteria in gut contents of healthy subjects and patients with ulcerative colitis", <i>FEMS Microbiology Ecology</i> 86:103-112 (1991)
28.		Hirayama, "Novel physiological functions of oligosaccharides", <i>Pure Appl. Chem.</i> , 74(7):1271-1279 (2002)
29.		Chandler, MD, "Essentials of nutrition in dogs and cats with gastrointestinal disease", <i>In Practice</i> , pp. 528 – 533, (October, 2002)
30.		Klimberg, MD et al, "Oral Glutamine Accelerates Healing of the Small Intestine and Improves Outcome After Whole Abdominal Radiation", <i>Arch Surg, Vol. 125</i> :1040-1044 (1990)
31.		Nappert, et al., "Intestinal metabolism of glutamine and potential use of glutamine as a therapeutic agent in diarrheic calves", <i>JAVMA</i> 211(5):547-553 (1997)
32.		Kanauchi, et al., "Effects of Germinated Barley Foodstuff in Preventing Diarrhea and Forming Normal Feces in Ceco-colectomized Rats", <i>Biosci. Biotechnol. Biochem.</i> , 62(2):366-368 (1998)

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet 3 of 3

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(7129) 2664H-126/US

SERIAL NO.

10/729,450

APPLICANT

Christina Khoo, et al

FILING DATE

December 5, 2003

GROUP

1646

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Ref. Desig.	Examiner's Initials	
33.		Correa-Matos, et al., "Fermentable Fiber Reduces Recovery Time and Improves Intestinal Function in Piglets Following <i>Salmonella typhimurium</i> Infection", <i>FASEB Journal</i> 15(4): 1845-1852 (2001)
34.		Simpson, J.W., "Diet and Large Intestinal Disease in Dogs and Cats", <i>J. of Nutr.</i> 128(12):2717S-2722S (1998)
35.		Correa-Matos, et al., "Fermentable substrate reduces recovery time and improves intestinal function in piglets following <i>Salmonella</i> infection", <i>FASEB Journal</i> 15(4):A642 (2001)
36.		Shoda, et al., "Therapeutic efficacy of glutamine and N-3 poly-unsaturated fatty acid supplementation in profound hypoglycemia in rat model of lectin-induced diarrhea", <i>Gastroenterology</i> 114(4):A908-A909 (1998)

Examiner:

Date Considered:

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